

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIAM C. BOND,

*

Plaintiff

*

v.

*

Civil Action No. MJG-01-2600

KENNETH BLUM, SR., et al.,

*

Defendants

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* * * * *

MOTION FOR RELEASE OF FUNDS
PURSUANT TO § 11-603 OF
THE COURTS & JUDICIAL PROCEEDINGS ARTICLE
OF THE MARYLAND CODE

William C. Bond and Alyson Bond, his wife, by Howard J. Schulman and Schulman & Kaufman, LLC, their attorneys, respectfully state:

1. This motion requests the release of funds from the same bank account that was the subject of two motions for release of funds (Paper Nos. 139 & 157) filed in 2003 by William C. Bond and Alyson Bond with respect to previous writs of garnishment requested by Adelberg, Rudow, Dorf & Hendler, LLC and McDaniel, Bennett & Griffin, which the Court granted on June 18, 2003 (Paper Nos. 180 & 181). In doing so, the Court determined: (1) William C. Bond and Alyson Bond are husband and wife, having married on May 8, 2001 and (2) prior to the entry of the supplemental judgment on April 25, 2003 against William C. Bond and in favor of Adelberg, Rudow, Dorf & Hendler, LLC, William C. Bond and Alyson Bond, his wife, opened a checking account (#007080961935), a savings account (#009080961935) and a money manager account

(#003934599257) at the Bank of America, N.A, and (3) each of those accounts are accounts as tenants by the entirety. No judgment has been entered against Alyson Bond, wife of William C. Bond.

2. On or about February 8, 2007, Adelberg, Rudow, Dorf & Hendler, LLC caused the Clerk to issue a Writ of Garnishment to the Bank of America which was served, Plaintiff believes, that day or the next. The aforementioned Writ was issued only as to the property of William C. Bond, Judgment Debtor in possession of Bank of America, N.A. The Writ did not mention Alyson Bond. Based on the Writ of Garnishment, the Bank has put a hold on account #007080961935 to the extent of \$19,350.44, the amount specified in the Writ. (See attached letter from Bank of America dated February 13, 2007).

3. The Writ of Garnishment was issued pursuant to Maryland Rule 2-645. *See* Fed.R.Civ.P. 4(e) and 64. Both Maryland procedural and substantive law control. *Ospina v. Vanelli*, 34 F.R.D. 151 (D. Minn. 3d Div. 1964). Cts. & Jud. Pro. Code § 11-603(a) & (c)(2) and *Maryland National Bank v. Pearce*, 329 Md. 602 (1992), make it clear that there can be no garnishment of these joint marital accounts since the accounts were opened prior to the April 25, 2003 judgment.

WHEREFORE, William C. Bond and Alyson Bond request that the account #007080961935 not be subject to garnishment by a judgment creditor of William C. Bond only and that the Court order that the garnishment on Bank of America account #007080961935 be released.

_____/s/_____
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